

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS ADMINISTRATION, as
Receiver for PROSPERO VENTURES, L.P.,

E-filing

Plaintiff,

V.

DONALD K. EMERY,

Defendant.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

007-03741 JCS

TO: (Name and address of defendant)

DONALD K. EMERY
51 Putnam Avenue
Cotuit, MA 02635

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

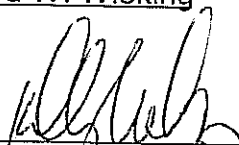
Arlene P. Messinger, Esq.
U.S. Small Business Administration
Receiver for Prospero Ventures, L.P.
409 Third Street, S.W., 7th Floor
Washington, DC 20416

and

Darryl J. Horowitz, Esq.
Coleman & Horowitz, LLP
499 West Shaw, Suite 116
Fresno, CA 93704

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking
CLERK



(BY) DEPUTY CLERK

DATE

SEP 19 2007

RETURN OF SERVICE

**UNITED STATES DISTRICT COURT
Northern District District of California**

Case Number: C07-03741-JCS

Plaintiff:

**U.S. Small Business Administration, Receiver for Prospero Ventures,
L.P.**

vs.

Defendant:

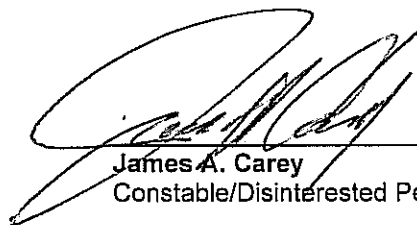
Donald K. Emery

Received by MASS CONSTABLE SERVICE to be served on **DONALD K. EMERY, 51 Putnam Ave., Cotuit, MA 02635.**

I, James A. Carey, do hereby affirm that on the **13th day of August, 2007 at 4:20 pm, I:**

Served a true and attested copy of the **USDC Summons; Complaint; Order Setting Initial CMC and ADR Deadlines; Notice of Assignment of Case to a United States Magistrate Judge for Trial; Plaintiff's Consent to Proceed Before a United States Magistrate Judge; Filing Guidelines; EFC Registration Informational Handout; ADR Certification by Parties and Counsel; Instructions for Completion of ADR Forms; Notice of Need for ADR Phone Conference; Notice of Need for Mediation; Stipulation and Proposed Order Selecting ADR Process; and ADR Dispute Resolution Procedures Handbook to Donald K. Emery in the following manner, by delivering in hand to Donald K. Emery. Said service was made at 51 Putnam Ave., Cotuit, MA 02635.**

I certify that I am over the age of 18, have no interest in the above action.


James A. Carey
Constable/Disinterested Person

**MASS CONSTABLE SERVICE
1004 Pheasant Lane
Middleboro, MA 02346
(508) 946-6914**

Our Job Serial Number: 2007001760
Ref: 0875.01